

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

JOSEPH PAUL YOUNG,

Movant

v.

CIVIL ACTION NO. 2:09-1554
(Criminal No. 2:08-00226)

UNITED STATES OF AMERICA,

Respondent

MEMORANDUM OPINION AND ORDER

Pending is the motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 filed December 30, 2009.

This action was previously referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to the court of her proposed findings and recommendations for disposition pursuant to 28 U.S.C. § 636.


Movant is presently serving a 240-month term of imprisonment following his guilty plea to a bank robbery in violation of 18 U.S.C. § 2113(a). The Judgment was entered June 24, 2009. Movant timely noticed a direct appeal, which was voluntarily dismissed by him, with the assistance of counsel, effective August 17, 2009. He now seeks relief pursuant to section 2255.

On November 9, 2010, the magistrate judge entered her proposed findings and recommendations ("PF&R"). She recommends that this action be dismissed inasmuch as movant has not shown that he was denied the effective assistance of counsel. On November 29, 2010, movant objected. The objections, however, do not offer any basis for departing from the recommendation made by the magistrate judge. In summary, movant has failed to demonstrate either that his counsel's performance was objectively unreasonable or that such performance resulted in prejudice to him.

Based upon a de novo review, and having found the objections meritless, the court adopts and incorporates herein the magistrate judge's proposed findings and recommendation. It is ORDERED that movant's section 2255 motion be, and it hereby is, denied.

The Clerk is directed to forward copies of this written opinion and order to the movant, all counsel of record, and the United States Magistrate Judge.

DATED: December 27, 2010


John T. Copenhaver, Jr.
United States District Judge